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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/680,604	10/06/2000	Dan Matheson	COCR.01USU1	9577

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EXAMINER

CABRERA, ZOILA E

ART UNIT

PAPER NUMBER

2125

DATE MAILED: 02/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/680,604	MATHESON, DAN	
	Examiner Zoila E. Cabrera	Art Unit 2125	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 12 July 2004.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-6,8-13 and 15-19 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-6,8-13 and 15-19 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
5) Notice of Informal Patent Application (PTO-152)
6) Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-6, 8-13, 15-19 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-6 and 8-13 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The steps of claims 1-6 and 8-13 consist solely of mathematical operations without practical application in the technological arts or simply manipulates abstract ideas without practical application in the technological arts. Please note that the language of claims 1 and 8 is directed merely to an abstract idea that is not tied to a technological art, environment, or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101. Merely describing software or a program without any tangible structure is too preliminary to permit one of ordinary skill to realize any usefulness in the technological arts.

To expedite a complete examination of the instant application claims 1-6, 8-13 rejected under 35 U.S.C. 101 (non-statutory) above are further rejected as set forth

below in anticipation of applicant amending these claims to place them within the four statutory categories of invention.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 8 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by **Sebastian et al. (US 5,822,206)**.

Claims 1, 8 and 15 are so broad as to read in **Sebastian et al.** who discloses an object model for capturing decision-related data to a product design (Col. 5, lines 44-47) comprising:

- a question interface for capturing a question in a question object that encapsulates text-based information related to a design issue associated with said product design (Col. 6, lines 25-30 and lines 35-37; Col. 16, lines 41-45, i.e., queries); an answer interface for capturing an answer in an answer object that encapsulates text-based information addressing information encapsulated in a selected question object and that is linked to said selected question object (Col. 5, lines 59-24; Col. 15, lines 34-36; the material selector module can provide its

output, or answer, in the template notation of the present invention); and a decision interface for capturing a decision in a decision object that encapsulates text-based information defining a product requirement in response to information in said selected question object and that is linked to said selected question object (Col. 6, lines 40-44).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 2, 4-6, 9, 11-13, 16 and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Sebastian (US 5,822,206)** in view of **Thackston (US 6,295,513)**.

Sebastian discloses the limitations of claims 1, 8 and 15 above but fails to specifically disclose the limitations of claims 2, 4-6, 9, 11-13, 16 and 18-19. However, **Thackston** discloses such limitations as follows:

As for claims 2, 4-6, 9, 11-13, 16 and 18-19, Thackston discloses:

- each of said question object, said answer object, and said decision object is stored in a tool-neutral persistent form (Col. 5, lines 47-51);

- said question interface captures an association of said question object with a decision object (Fig. 19B, element 1926, 1936 or Fig. 23, elements 4320 and 4360);
- said answer interface captures an association of said answer object with a question object (Fig. 23, element 4320, 4360);
- said decision interface captures an association of said decision object with an answer object (Fig. 19B, output of element 1928 is associated with decision element 1936);
- said answer interface captures an association of said answer object with a question object (Fig. 23, element 4320, 4360, query and result).

Therefore, it would have been obvious to a person of the ordinary skill in the art at the time the invention was made to combine the teachings of **Sebastian** with **Thackston** because it would provide an improved system that maintains engineering data, such as design documents and three dimensional model data, in a common, neutral format, which is accessible by authorized team members through a graphical user interface (**Thackston**, Col. 3, line 64 – Col. 4, lines 4)

5. Claims 3, 10 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Sebastian and Thackston** in view of **Twigg (US 2002/0012007 A1)**.

Sebastian and Thackston discloses the limitations of claims 1-2, 8-9 and 15-16 and further **Thackston** discloses the use of separate relational database (Col. 6, lines 50-53). **Sebastian and Thackston** fail to specifically disclose, regarding claims 3, 10

and 17, wherein associations between each of said question object, said answer object, and said decision object are captured using foreign keys. However, **Twigg** discloses an internet based design/drafting system wherein associations between description data, note data and cost data regarding a design take place (Page 3, 0038, lines 13-24 and lines 32-35, "one or more data fields 36, 46 of each design file 22 can be related to the overall design; Fig. 3, foreign keys correspond to Class #, Description, Note, Cost). Therefore, it would have been obvious to a person of the ordinary skill in the art at the time the invention was made to combine the teachings of **Sebastian and Thackston** with **Twigg** because it would provide an improved system wherein relationships of a class object are related using foreign keys or a common column such as shown in Fig. 3, Class #, 32-1, 32-2, 32-X; Description 34-1, 34-2, 34-x), in order to communicate ideas regarding a design and/ or features of a design (**Twigg**, Page 1, 0005, lines 1-3).

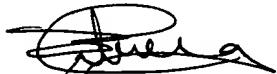
Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning communication or earlier communication from the examiner should be directed to Zoila Cabrera, whose telephone number is (703) 306-4768. The examiner can normally be reached on M-F from 8:00 a.m. to 5:30 p.m. EST (every other Friday).

If attempts to reach the examiner by phone fail, the examiner's supervisor, Leo Picard, can be reached on (703) 308-0538. Additionally, the fax phones for Art Unit

2125 are (703) 872-9306. Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist at (703) 305-9600.



Zoila Cabrera
Patent Examiner
2/7/05